

E-FILED on 11/6/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MIGUEL VEGA, CARLOS VEGA, EDGAR
VEGA, MARCOS VEGA, ALEJANDRO
VEGA, and JOSE VEGA,

Plaintiffs,

v.

MCLAIRD ENTERPRISES INC. dba
COSTELLO'S TREE SERVICE, SEAN
MCLAIRD dba COSTELLO'S TREE
SERVICE, TOM MULLIN dba COSTELLO'S
TREE SERVICE, URBAN FORREST TREE
SERVICE dba COSTELLO'S TREE
SERVICE, SURETY COMPANY OF THE
PACIFIC and DOES 1-10.

Defendants.

No. C-08-04805 RMW

ORDER GRANTING MOTION FOR
DEFAULT JUDGMENT

[Re Docket No. 24]

Plaintiffs' motion for entry of default judgment came on for hearing before the court on November 6, 2009. Defendants Thomas Mullin and Sean McLaird, each proceeding pro se, submitted papers in response to plaintiff's motion, but did not appear at the hearing. The remaining defendants did not appear or otherwise oppose the motion. No motion to set aside entry of default has been filed. Having considered the papers and evidence submitted and the argument of plaintiffs' counsel at oral argument, and for good cause appearing, plaintiffs' motion is granted.

The court has reviewed the evidence submitted by plaintiffs in support of their damages claims. The court finds that plaintiffs have adequately proven damages, as set forth below:


Name	Unpaid Overtime Wages	FLSA Liquidated Damages	Labor Code §203	Total Award
Carlos Vega	\$17,761	\$12,234	\$4,560	\$34,455
Edgar Vega	13,936	9,399	3,360	26,695
Jose Vega	14,545	10,065	3,600	28,210
Marcos Vega	21,440	14,460	6,000	41,900
Miguel Vega	20,368	13,737	6,000	40,105
Alejandro Vega	15,215	9,292	6,000	30,507

Plaintiffs, however, have not adequately established a basis for an award under California Labor Code Section 226 (relating to pay stub violations).

Plaintiffs seek an award of their reasonable attorneys' fees pursuant to California Labor Code §1194(a), and have submitted the declaration of counsel to support their claim for \$19,885 in attorney's fees. The overall number of hours, including time spent preparing for and engaging in mediation, is reasonable, as is the claimed hourly rate. Accordingly, plaintiffs are awarded \$19,885 in attorneys' fees, in addition to the damages set forth above.

Plaintiffs' motion for default judgment is granted and judgment will be entered in favor of each plaintiff, and against the defendants, in the amounts set forth above. Plaintiffs are also awarded their costs and reasonable attorneys fees, as set forth herein.

DATED: 11/6/09


 RONALD M. WHYTE
 United States District Judge

1 Notice of this document has been electronically sent to:

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8 Counsel for Defendants:

9 No Appearance

10
11 Counsel are responsible for distributing copies of this document to co-counsel that have not
12 registered for e-filing under the court's CM/ECF program.

13
14 Dated: 11/6/09

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Chambers of Judge Whyte